

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 2623	DATE	4/22/2003
CASE TITLE	George L. Hunt, Jr. vs. Barbara Shuttleworth Lastowski, et		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Accordingly the complete diversity required for nearly tow centuries (see Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806)) is lacking. Both the complaint and this action are dismissed for lack of subject matter jurisdiction.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.		number of notices	Document Number 2
<input type="checkbox"/> No notices required.		APR 24 2003 date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		Cyn docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		4/23/2003 date mailed notice	
<input type="checkbox"/> Docketing to mail notices.		SN	
<input type="checkbox"/> Mail AO 450 form.		mailing deputy initials	
<input type="checkbox"/> Copy to judge/magistrate judge.			
SN	courtroom deputy's initials	Date/time received in central Clerk's Office	

APR 24 2003

Defendants.

complaints' allegations instead in terms of residence. On that score Held v. Held, 137 F.3d 998, 1000 (7th Cir. 1998), quoting Guaranty Nat'l Title Co. v. J.E.G. Assocs., 101 F.3d 57, 59 (7th Cir. 1996) directs:

Of course, allegations of residence are insufficient to establish diversity jurisdiction. It is well-settled that "[w]hen the parties allege residence but not citizenship, the court must dismiss the suit."

Here Hunt's counsel has committed that error as to all four of the individual parties (Complaint ¶¶ 4 and 5). But because an individual's states of residence and citizenship so often coincide (though that is not always the case), this Court's regular practice where that is the only problem posed by a complaint is to avoid sticking a plaintiff with another \$150 filing fee by instead giving plaintiff's counsel a short period of time within which to cure the flaw if possible.


This time that opportunity should not and will not be provided, however, because of the additional--and noncurable--mistake involving Council. Here is what purports to be the relevant allegation about that party's status in Complaint ¶ 7:

At all times relevant, Council was and is a partnership with its principal place of business located at 4117 N. Kilpatrick in Chicago, Cook County, Illinois.

But nearly innumerable cases (of which Carden v. Arkoma Assocs., 494 U.S. 185 (1990) is perhaps the most prominent example) hold that for an unincorporated association such as a partnership, its place of formation and the location of its principal place of

business are totally irrelevancies--that the relevant states of citizenship are those of each of its partners. And in this instance that puts Hunt (a 50% partner in Council), with his presumed Colorado citizenship, on both sides of the litigation.¹

Accordingly the complete diversity required for nearly two centuries (see Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806)) is lacking. Both the Complaint and this action are dismissed for lack of subject matter jurisdiction.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in dark ink.

Milton I. Shadur
Senior United States District Judge

Date: April 22, 2003

¹ It doesn't matter, of course, of just what state Hunt is a citizen. In all events there is one identical state of citizenship on each side of the "v." in the case caption.